

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Blitman Saratoga LLC,

Debtor.

Chapter 11

Case No. 20-23177 (RDD)

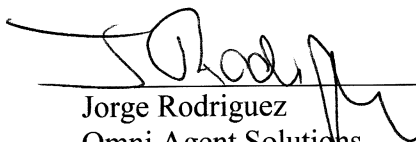
AFFIDAVIT OF SERVICE

I, Jorge Rodriguez, depose and say that I am employed by Omni Agent Solutions.

On March 8, 2021, at my direction and under my supervision, employees of Omni Agent Solutions caused true and correct copies of the following documents to be served via first-class mail, postage pre-paid, to the parties listed in **Exhibit A** attached hereto:

- **Notice of Hearing on Debtor's Motion to the Extend Exclusive Periods to File a Plan of Reorganization and to Solicit Acceptances thereto Pursuant to 11 U.S.C. §1121(d)(1).¹**
- **Motion for an Order Extending the Debtor's Exclusive Periods to File a Plan of Reorganization and Solicit Acceptances thereto Pursuant to 11 U.S.C. §1121(d)(1).²**

Dated: March 10, 2021

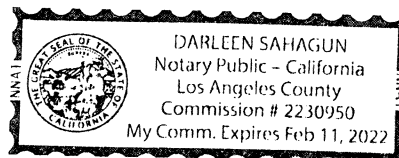


Jorge Rodriguez
Omni Agent Solutions
5955 DeSoto Avenue, Suite 100
Woodland Hills, CA 91367
818-906-8300

{ State of California }
{ } ss.
{ County of Los Angeles }

Subscribed and sworn to (or affirmed) before me on this 10th day of March, 2021, by Jorge Rodriguez, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Public



¹ A copy of the Notice is attached hereto as **Exhibit B**.

² A copy of the Motion is attached hereto as **Exhibit C**.

EXHIBIT A

518 CONTRACTING LLC
1082 S SCHODACK RD
CASTLETON ON HUDSON, NY 12033-9660

ALERDICE BUILDING SUPPLY INC.
41 WALWORTH ST
SARATOGA SPRINGS, NY 12866-3011F

ALEXANDER GOREN
1175 PARK AVE
NEW YORK, NY 10128-1211

APPOLO HEATING INC.
868 BURDECK ST
SCHENECTADY, NY 12306-1218

ARTHUR J. GALLAGHER RISK MANAGEMENT
4000 MIDLANTIC DR STE 200
MOUNT LAUREL, NJ 08054-1580

BALLSTON SPA NATIONAL BANK
990 STATE ROUTE 67
BALLSTON SPA, NY 12020-3603

BALLSTON SPA NATIONAL BANK
C/O PETER L. BURGESS, ESQ.
646 PLANK ROAD, SUITE 103
CLIFTON PARK, NT 12065

BEAVER POND VILLAGE HOA, INC.
KATRINA J. KLUG-MONKS
4 BRIDGE STREET
BROADALBIN, NY 12025

BENJAMIN NEIDL, ESQ.
E. STEWART JONES HACKER MURPHY
28 2ND ST
TROY, NY 12180-3955

BOSWELL ENGINEERING
799 MADISON AVE
ALBANY, NY 12208-3319

CALLANAN INDUSTRIES INC,
C/O MARINSTEIN & MARINSTEIN
22 FIRST STREET – PO BOX 155
TROY, NY 12208-3319

CASELLA WASTE SERVICES
25 GREENS HILL LANE
RUTLAND, VT 05701-3804

CHANGEBRIDGE CONSTRUCTION CORP.
222 BLOOMINGDALE RD
WHITE PLAINS, NY 10601

CURTIS LUMBER
885 NY ROUTE 67
BALLSTON SPA, NY 12020

DAIGLE CLEANING SYSTEMS INC.
20 CENTER ST
ALBANY, NY 12204-2605

EAGLE ASSOCIATES CONCRETE
PO BOX 250
HANNACROIX, NY 12087-0250

ERIC & LAURA LYETH
517 E 6TH ST
BOSTON, MA 02127-3002

ERIC J. MANDELL, ESQ.
DELBELLO, DONNELLAN, ET AL
1 N LEXINGTON AVE
WHITE PLAINS, NY 10601-1712

ERIE MATERIALS
99 RAILROAD AVE
ALBANY, NY 12205-5913

ESTATE OF HOWARD N. BLITMAN
3 ELMENDORF DR
SCARSDALE, NY 10583-4203

EVANS ARCHITECTS AIA
470 CHAMBERLAIN AVE
PATERSON, NJ 07522-1031

FLOOR SOURCE INC.
1466 US HIGHWAY 9
CLIFTON PARK, NY 12065

FRANK G. & MARGARET E. COLONE
11 FURLONG ST
SARATOGA SPRINGS, NY 12866-5047

GRAIG & GIOVANNA EASTIN
40 CAMBRIDGE WAY
LATHAM, NY 12110

GRANITE AND MARBLE WORKS INC.
8 COMMERCE PARK DR
WILTON, NY 12831-2240

GREG ZIPES, ESQ.
OFFICE OF THE U.S. TRUSTEE
201 VARICK STREET, SUITE 1006
NEW YORK, NY 10014

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA, PA 19101-7346

JAMES GOREN
125 MAPLE AVE
CHESTER, NJ 07930-2521

JOHN D. MARCELLA APPLIANCES
560 BROADWAY
SCHENECTADY, NY 12305-2701

KENNETH M. LEWIS, ESQ.
WHITEFORD TAYLOR PRESTON
220 WHITE PLAINS ROAD
TARRYTOWN, NY 10591

LANCE PLUMBING
480 BRROADWAY, SUITE 14A
SARATOGA SPRINGS, NY 12866

LAZIO MASONRY LLC
63 NOTT RD
REXFORD, NY 12148-1312

LUCARELLI SAND AND GRAVEL
117 VOSBURGH RD
MECHANICVILLE, NY 12118-3620

LUCIO DECARLO TRIMMING
PO BOX 299
CLARKSVILLE, NY 12041-0299

MADSEN OVERHEAD DOORS INC.
673 ROUTE 203
SPENCERTOWN, NY 12165

MAZARS
60 CROSSWAYS PARK DR W
WOODBURY, NY 11797-2018

MICHAEL & LISA AKKER
60 SPRUCETOP DR
MAHOPAC, NY 10541-7002

MR. AND MRS. FRANK COLONE
C/O ROSEMARIE MATERA, ESQ.
KURZTMAN MATERA PC
80 RED SCHOOLHOUSE RD, SUITE 110
CHESTNUT RIDGE, NY 10977

MR. AND MRS. GRAIG EASTIN
C/O JOHN FREDERICK HARWICK, ESQ.
E. STEWART JONES HACKER MURPHY, LLP
28 SECOND STREET
TROY, NY 12180

MR. AND MRS. STEPHEN DORSEY
C/O KEVIN LAURILLIARD, ESQ.
O'CONNELL & ARONOWITZ
54 STATE STREET, 9TH FLOOR
ALBANY, NY 12207

NATIONAL GRID
636 QUAKER RD
QUEENSBURY, NY 12804-3952

NORTHWAY TILE LLC
313 USHERS RD
BALLSTON LAKE, NY 12019-1552

NYC DEP'T OF FINANCE
LEGAL AFFAIRS
345 ADAMS ST FL 3
BROOKLYN, NY 11201-3719

NYS DEP'T OF TAXATION
BANKRUPTCY/SPECIAL PROCEDURE
PO BOX 5300
ALBANY, NY 12205-0300

OFFICE OF ATTORNEY GENERAL
BUREAU OF CONSUMER FRAUD
44 S BROADWAY
WHITE PLAINS, NY 10601-4425

PETER L. BURGESS, ESQ.
BURGESS & ASSOCIATES P.C.
646 PLANK RD STE 103
CLIFTON PARK, NY 12065-4800

PRECISION CONCRETE PUMPING INC.
90 INDUSTRIAL PARK ROAD DR
ALBANY, NY 12201

PRECISION UPSTATE
115 FREEMANS BRIDGE RD
SCHENECTADY, NY 12302-3513

PRO TECH AUTOMATIC
59 EXCHANGE ST
ALBANY, NY 12205-3326

RICHARD & CATHERINE BENNIC
4 ARROWHEAD RD
SARATOGA SPRINGS, NY 12866-8733

ROSS CONCRETE
15 GILBERT ST
MECHANICVILLE, NY 12118-1203

RUSZARD & BEATA LESIAK
2092 DONNAN RD
GALWAY, NY 12074-2509

SARATOGA CITY COMM. OF FINANCE
PO BOX 328
SARATOGA SPRINGS, NY 12866-0328

SARATOGA FUNDING LLC
C/O JAY RUSS, ESQ.
RUSS AND RUSS
543 BROADWAY
MASSAPEQUA, NY 11758

SARATOGA SOD FARM
1670 STATE ROUTE 4
STILLWATER, NY 12170

SARATOGA SPRINGS SCHOOL DISTRICT
PO BOX 378
SARATOGA SPRINGS, NY 12866-0378

SHEFT ELECTRIC
260 THIMBLEBERRY RD
BALLSTON SPA, NY 12020-4386

SMC CARPENTRY
7 OXFORD PL
ALBANY, NY 12203-4707

SNYDER'S DRYWALL
1555 ROUTE 9
FORT EDWARD, NY 12828-2454

SPHS - SARATOGA SPRINGS CO.
5 FINLEY ST
SARATOGA SPRINGS, NY 12866-4717

STAPLES, INC
DEPT NY
PO BOX 415256
BOSTON, MA 02241-5256

STEPHEN & SUSAN DORSEY
17 TIFFANY PL
SARATOGA SPRINGS, NY 12866-9059

STONE INDUSTRIES LLC
4305 ROUTE 50
SARATOGA SPRINGS, NY 12866-2914

SUNSHINE LANDSCAPING
612 TANNER RD
CLIFTON PARK, NY 12065-1500

THOMAS KEANEY
BLITMAN SARATOGA LLC
222 BLOOMINGDALE ROAD
WHITE PLAINS, NY 10605

TIME WARNER CABLE/SPECTRUM
8 CIRCULAR ST
SARATOGA SPRINGS, NY 12866-4278

TOM & MARLENE GUIFFRE
113 CEDAR LN
BROADALBIN, NY 12025-2169

TPK DEVELOPMENT INC.
102 CHRISTOPHER LN
ALTAMONT, NY 12009-4200

WILLIAMS SCOTSMAN INC.
1609 US ROUTE 9
CLIFTON PARK, NY 12065

Parties Served: 69

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date and Time:
April 5, 2021 at 10:00 a.m.

-----X
In re:

Chapter 11

Blitman Saratoga LLC,

Case No. 20-23177 (RDD)

Debtor.
-----X

**NOTICE OF HEARING ON DEBTOR'S MOTION TO THE EXTEND EXCLUSIVE
PERIODS TO FILE A PLAN OF REORGANIZATION AND TO SOLICIT
ACCEPTANCES THERETO PURSUANT TO 11 U.S.C. §1121(d)(1)**

PLEASE TAKE NOTICE that upon the annexed motion of Genever Holdings LLC (the "Debtor"), a hearing will be held before the Honorable Robert D. Drain of the United States Bankruptcy Court for the Southern District of New York, via Court Solutions on April 5, 2021 at 10:00 a.m. to consider the Debtor's motion for an order extending the Debtor's exclusive period to file a plan of reorganization for ninety (90) days from March 8, 2021 until June 7, 2021, and a corresponding extension of the period in which to solicit acceptances to sixty (60) days after first extension period, or August 5, 2021, pursuant to 11 U.S.C. §1121(d)(1).

PLEASE TAKE FURTHER NOTICE THAT any party wishing to participate in and/or listen to the hearing can register through Court Solutions at www.court-solutions.com, in accordance with General Order M-543.

PLEASE TAKE FURTHER NOTICE THAT objections, if any, shall be filed in writing through the Clerk's ECF system, with a copy served upon the Debtor's counsel, Kevin J. Nash, Esq., Goldberg Weprin Finkel Goldstein LLP, 1501 Broadway, 22nd Floor, New York, NY 10036, knash@gwfglaw.com, all so as to be received no later than March 29, 2021.

Dated: New York, NY
March 8, 2021

Goldberg Weprin Finkel Goldstein LLP
Attorneys for the Debtor
1501 Broadway, 22nd Floor
New York, New York 10036
(212) 221-5700

By: /s/ J. Ted Donovan, Esq.

EXHIBIT C

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11

Blitman Saratoga LLC,

Case No. 20-23177 (RDD)

Debtor.
-----X

**MOTION FOR AN ORDER EXTENDING THE DEBTOR’S EXCLUSIVE
PERIODS TO FILE A PLAN OF REORGANIZATION AND TO SOLICIT
ACCEPTANCES THERETO PURSUANT TO 11 U.S.C. §1121(d)(1)**

**TO THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE:**

The motion of Blitman Saratoga LLC (the “Debtor”) by and through its counsel, Goldberg Weprin Finkel Goldstein LLP, for an order extending the Debtor’s exclusive period to file a plan of reorganization for ninety (90) days from March 8, 2021 until June 7, 2021, and a corresponding extension of the exclusive period in which to solicit acceptances for sixty (60) days after the first extension period, or until August 5, 2021, pursuant to 11 U.S.C. §1121(d)(1), respectfully represents and shows this Court as follows:

BACKGROUND

1. The Debtor filed a voluntary petition under Chapter 11 of the Bankruptcy Code on November 6, 2020, and thereafter has continued in possession and management of its assets as a debtor-in-possession pursuant to 11 U.S.C. §§1107 and 1108.

2. The Debtor is a real estate development which is completing a residential home community known as Beaver Pond Village, located in Saratoga Springs, New York.

3. As of the Chapter 11 filing date, eight (8) homes were under construction pursuant to various signed purchase contracts. The goal was and remains to complete home construction and closing on the pending contracts.

4. Shortly after the Chapter 11 filing, the Debtor obtained interim and final approve for DIP financing and has resumed construction.

5. While construction is underway, the Debtor is also in discussion with various home buyers and their counsel regarding various options, and anticipates being able to resolve any disputes so that vast majority of sales will go forward.

6. In the interim, the Debtor hereby seeks to maintain the status quo, and is moving for an extension of the exclusivity period to file a formal plan of reorganization for an additional period of ninety 90 days (without prejudice to future extensions) pursuant to Section 1121(d)(1) of the Bankruptcy Code. The extension will enable the Debtor to make substantial progress on finishing construction, whereupon the Debtor will be in a better position to evaluate the scope of remaining debt to be addressed.

The Requested Extension Is Warranted Under The Circumstances

7. The determination of whether sufficient “cause” exists to grant an extension rests with the sound discretion of the court and should be based upon the facts and circumstances of each individual case. *In re Adelphia Communications Corp.*, 352 B.R. 578, 586 (Bankr. S.D.N.Y. 2006); *In re Borders Group, Inc.*, 460 B.R. 818 (Bankr. S.D.N.Y. 2011); *In re Texaco Inc.*, 76 B.R. 322 (Bankr. S.D.N.Y. 1987); *In re McLean Indus., Inc.*, 87 B.R. 830 (Bankr. S.D.N.Y. 1987). While Section 1121(d)(1) of the Bankruptcy Code requires the bankruptcy court to find “cause” to extend a debtor’s exclusivity period, it is clear from the legislative history of that section that the bankruptcy court is given broad flexibility in making such a determination so as to balance the competing interests of a debtor and its creditors. *See* H.R. Rep. No. 95-595, 95th Cong.; 2d Sess 221-222 (1978); *In re Perkins*, 71 B.R. 294 (W.D. Tenn. 1987) (“The hallmark of Section [1121(d)] is flexibility”). *In re Newark Airport/Hotel Ltd. P’ship.*, 156 B.R. 444, 451 (Bankr. D.N.J. 1993)

(notice that Congress designed chapter 11 provision to enable a debtor to remain in control for some period of time, thereby making reorganization an attractive alternative to financially troubled companies).

8. In determining whether cause exists to extend the, the Court may consider a variety of factors including:

- (a) the size and complexity of the case;
- (b) the necessity for sufficient time to permit the debtor to negotiate a plan of reorganization and prepare adequate information;
- (c) the existence of good faith progress toward reorganization;
- (d) the fact that the debtor is paying its bills as they become due;
- (e) whether the debtor has demonstrated reasonable prospects for filing a viable plan;
- (f) whether the debtor has made progress in negotiations with its creditors;
- (g) the amount of time which has elapsed in the case;
- (h) whether the debtor is seeking an extension of exclusivity in order to pressure creditors to submit to the debtor's reorganization demands; and
- (i) whether an unresolved contingency exists.

In re Adelphia, 352 B.R. at 587, *In re Borders*, 460 at 821-822; *In re McLean Indus.*, 87 B.R. 830 (Bankr. S.D.N.Y. 1987). However, not all of the *Adelphia* factors are relevant in every case and it is within the court's discretion to determine the relevancy and weight of each such factor. *In re Hoffinger Indus., Inc.*, 292 B.R. 639, 644 (8th Cir. BAP 2003). Furthermore, although such factors are helpful, they serve only as a guide and not as required standards for courts to use when determining whether an extension of the exclusive periods should be granted in a particular case. *In re R&G Properties, Inc.*, 2009 WL 269696 (Bankr. Vt. 2009).

9. The Debtor respectfully submits that the relevant *Adelphia* factors favor the request for an extension of exclusivity, since the construction is ongoing, and until completed, the magnitude of outstanding debt to be reorganized is not yet known. Further, as homes are completed, the Debtor will also be in a position to better understand the sources of available cash and funding necessary for a plan.

10. Based upon available DIP financing, the Debtor is current with its post-petition obligations, and eventually will be in a position to file a formal plan of reorganization. For all of these reasons, maintaining exclusivity will add to the overall stability of the Chapter 11 case, and thus cause exists to grant the requested extension.

WHEREFORE, the Debtor respectfully requests entry of an Order consistent with the foregoing, together with such other and further relief as is just and proper.

Dated: New York, New York
March 8, 2021

Goldberg Weprin Finkel Goldstein LLP
Attorneys for the Debtor
1501 Broadway, 22nd Floor
New York, NY 10036
(212) 221-5700

By: /s/ Kevin J. Nash, Esq.